

REMARKS

Reconsideration of the application is requested.

Claims 16-34, 36, and 37 are now in the application. Claims 16-34, 36, and 37 are subject to examination. Claim 17 has been amended. Claims 36 and 37 have been added.

Under the heading "Claim Rejections – 35 USC § 102" on page 2 of the above-identified Office Action, claims 16-19, 22, 26, 31 and 34 have been rejected as being fully anticipated by Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

In the third paragraph of the Response to Arguments section, the Examiner has stated: "Applicant argues that Breed does not teach providing the seats with a single reflector to deduce information about the seat occupancy. The examiner maintains that the rejection is proper as Breed discloses in figure 14 the seats being provided with reflectors (paragraphs 273-275)."

Applicants, however, did not provide argumentation relating to providing the seats with a single reflector to deduce information about the seat occupancy" nor have applicants claimed such a limitation. Claim 16 recites, "providing a single receiver unit that receives the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats" (emphasis added).

With regard to the meaning of the limitation defined in claim 16, applicants are not asserting that additional receiver units could not be provided. Applicants are saying there is a receiver unit that receives radiation from the plurality of reflectors in the plurality of seats. Claim 31 includes similar claim language.

Breed et al. do not teach a single receiver unit that receives the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats. Breed et al. teach a receiving unit, for example, transducer 232 that receives radiation that is reflected by only one particular seat. Breed et al. specifically teach that a transmitter/receiver configuration will be provided for each seat location in order to monitor the presence of occupants in the other seats (See column 0178). It should be clear that each receiver unit taught by Breed et al. receives radiation that is reflected by the reflectors in only one particular seat.

Additionally, in the second paragraph of the Response to Arguments section, the Examiner has stated: "Applicant has not claimed only one of each or all of reflectors reflect to only one receiver from only one transmitter."

Applicants believe they have clearly specified that the plurality of reflectors, which are in the plurality of seats, reflect the radiation, which is emitted from the transmitter, to the receiver. There is a definite continuity relating to the radiation – emission by the transmitter, reflection by the plurality of reflectors,

and then reception by the receiver unit. That limitation is not taught or suggested by Breed et al. Claim 16 includes the following limitations:

providing a single transmitter that emits a field of high-frequency radiation towards the plurality of seats such that the plurality of reflectors in the plurality of seats reflect the high-frequency radiation that is emitted from the single transmitter; and

providing a single receiver unit that receives the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats.

Claim 31 includes similar limitations.

There should be no doubt that the claimed invention includes a plurality of reflectors in a plurality of seats, and that these plurality of reflectors reflect radiation emitted from one transmitter to one receiver unit. Breed et al. do not teach such limitations. The fact that the claim language does not preclude additional receivers or transmitters is not relevant to the claimed limitations.

Breed et al. teach providing a plurality of transmitters that emit a plurality of fields of high-frequency radiation towards the plurality of seats such that the plurality of reflectors in the plurality of seats reflect the high-frequency radiation that is emitted from the plurality of transmitters. Breed et al. do not teach a plurality of reflectors in a plurality of seats that reflect radiation emitted by the same transmitter.

Breed et al. also teach providing a plurality of receiver units that receive the high-frequency radiation that is reflected by the plurality of reflectors in the plurality of seats. Each of the plurality of receiver units taught by Breed et al. receives the radiation that is reflected by the reflectors located in only one seat.

There is no teaching that the same receiver unit receives the radiation which is transmitted by one transmitter and which is then reflected by the plurality of reflectors in the plurality of seats.

Breed et al. do not teach or suggest the invention as defined by claims 16 and 31.

Claims 36 and 37 have been added to additionally distinguish the invention from the prior art. Claim 17 has been amended. Support for the new claims and for the changes to claim 17 can be found by referring to claim 32 and to the translated specification, for example, at page 16, lines 4-8, and at page 25, lines 4-9.

Claims 36 and 37 specify that the group of reflectors associated with one seat influence the radiation differently than the group of reflectors associated with another seat. Claim 17 specifies that each of the plurality of seats has at least one reflector assigned thereto that is distinguishable from all other ones of the plurality of reflectors in the plurality of seats. Claim 32 specifies that said reflector elements are each assigned to a respective seat and said reflector

elements are individually distinguishable from other reflectors assigned to other seats.

Paragraph 35 of Breed et al., which has been referenced by the Examiner, merely provides a vague statement that the detection method can be based on modifying the waves. One should refer to paragraph 273 where it becomes clear that Breed et al. merely envision using tuned resonators in order to determine the position of various parts of a particular seat. Multiple resonators can be placed in a seat as shown in Fig. 14 and the resonators in the seat can be tuned to different frequencies so that the location of the front, back, and top of the seat can be determined. There is absolutely no teaching therein that the resonators in different seats could be tuned to different frequencies so that the resonators in different seats could be distinguished from each other.

Furthermore, since Breed et al. teach that each seat location will be provided with the taught transmitter/receiver configuration in order to monitor the presence of occupants in the other seats (See column 0178), it is clear that the group of resonators (641, 642, and 643 in Fig. 14 of Breed et al.) associated with one seat will be identical to the groups of resonators associated with the other seats. The invention as defined by claims 17, 32, 36, and 37 is not taught or suggested by breed et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 5 of the above-identified Office Action, claims 19-21 have been rejected as being obvious over Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. in view

of U.S. Patent No. 6,099,030 to Kraft under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings in Breed et al. and Kraft, for some reason, the invention as defined by claims 19-21 would not have been obtained for the reasons given above with regard to claim 16.

Under the heading "Claim Rejections – 35 USC § 103" on page 6 of the above-identified Office Action, claims 20 and 21 have been rejected as being obvious over Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. in view of U.S. Patent No. 6,099,030 to Kraft and further in view of U.S Patent No. 4,700,974 to Andres under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings in Breed et al., Kraft and Andres et al., for some reason, the invention as defined by claims 20 and 21 would not have been obtained for the reasons given above with regard to claim 16.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claims 23-25, 27, and 28 have been rejected as being obvious over Published U.S. Patent Application No. 2002/0140215 A1 to Breed et al. in view of U.S. Patent No. 6,946,949 to Heide under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if there were a suggestion to combine the teachings in Breed et al. and Heide et al., for some reason, the invention as defined by claims 23-25, 27, and 28 would not have been obtained for the reasons given above with regard to claim 16.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 16 or 31. Claims 16 and 31 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 16 or 31.

In view of the foregoing, reconsideration and allowance of claims 16-34 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$490.00 in accordance with Section 1.17 is enclosed herewith.

The fee in the amount of \$52.00 for providing one claim in excess of twenty has been provided.

Appl. No. 10/550,497
Reply to Office Action of August 19, 2008
Amdt. Dated January 12, 2009

Please charge any other fees that might be due with respect to Sections 1.16
and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-
1099.

Respectfully submitted,

/Werner H. Stermer/
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MPW:cgm

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